

**REMARKS/ARGUMENTS**

Claims 1-13 were pending. Claims 1-2 and 9-13 have been amended. New claims 14-62 have been added to further claim Applicants' invention. It is respectfully submitted that such amendments and new claims are supported by the application as originally filed, and that no new matter has been entered. Claims 1-62 are now pending.

A preliminary amendment was filed on August 6, 2003 with new claims 14-45 but was not entered. The present amendment includes new claims related to the unentered claims from the preliminary amendment. Please do not enter the preliminary amendment.

**Claim Rejections under 35 U.S.C. § 102**

The Examiner rejects claims 1-13 under 35 U.S.C. § 102(e) as being anticipated by Gerszberg et al., U.S. Patent No. 6,546,016.

As set forth above, claims 1 and 11 have been amended to more clearly set forth applicants' invention. Before pointing out the specific features now recited in the claims, a short description of embodiments of the present invention is provided. Embodiments of the present invention are directed toward a flexible line card. The line card flexibly connects to both standard telephones as well as packetizing telephones. The line card flexibly connects to a multi service data network (MSDN) as well as the public switched telephone network (PSTN). These features enable a number of advantages. By providing packetization at the line card, the end users may use their conventional telephones to connect to the MSDN, reducing the need to purchase packetizing telephones. If the end user has a packetizing telephone and it fails, the line card may provide standard analog connections in a lifeline-type mode. If one of the PSTN or the MSDN fails, the line card may route information to the other, increasing communications reliability. See the specification at page 9, lines 6-14. It is respectfully submitted that the claims, as amended, now recite these features, among others, that are neither taught, indicated or suggested by the prior art of record.

Claim 1, as amended, recites that the packetizer performs at least one of voice over internet protocol (VoIP) and voice over asynchronous transfer mode (VoATM)

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packetization. These protocols are discussed in the specification at page 3, lines 22-30 and page 7, lines 5-8. It is respectfully submitted that Gerszberg et al. fails to teach, indicate or suggest this feature.

The Examiner has asserted that Gerszberg teaches a CPE network director processor 102 that may be configured to act as a packet handling subsystem. Even accepting this teaching, such teaching does not anticipate claim 1 as amended. First, claim 1 as amended recites a specific type of packetization, not some general sort of packet handling subsystem. Second, it can be seen from Gerszberg et al.'s FIGS. 1D and 2 that the processor 102 is a component of ISD 22, which is located at the customer premises. In contrast, claim 1 as amended recites the packetizer as a component of a line card, which is a term known in the art to differ from customer premises equipment.

Claim 11 has been amended in a similar manner. Thus, it is respectfully submitted that claims 1 and 11, and the claims 2-10 and 12-13 dependent therefrom, respectively, are allowable over the cited art of record.

In addition, claim 1 as amended recites a broadband analog front end in combination with packetization performed at the line card. Such a combination allows the telephone company to connect to the MSDN without requiring the customers to purchase packetizing CPE. As customers can continue to use their existing analog lines with their existing analog CPE, a high degree of reliability is maintained. Furthermore, if the customer has packetizing CPE that fails, the line card may use the broadband analog front end to provide lifeline services to the CPE. In such a case, the line card may packetize the voice signals from the CPE, allowing use of the MSDN for those lifeline services.

### New Claims

New claims 14-62 have been added to further claim Applicants' invention. Support for claim 14 can be seen in FIG. 3 (merge control 74) and corresponding parts of the specification. Support for claim 15 can be seen in original claim 1. Support for claim 16 can be seen in original claim 5. Support for claim 17 can be seen in original claim 12. Support for claim 18 can be seen in original claim 2. Support for claim 19 can be seen in original claim 4.

Support for claim 20 can be seen in original claim 6. Support for claim 21 can be seen in original claim 7. Support for claim 22 can be seen in original claim 8. Support for claim 23 can be seen in original claim 10. Support for claim 24 can be seen in original claim 9. Support for claim 25 can be seen in original claim 11, and in FIG. 3 (merge control 74) and the corresponding description. Support for claim 26 can be seen in the specification at page 8, lines 1-11. Support for claim 27 can be seen in the specification at page 7, lines 26-28. Support for claim 28 can be seen in the specification at page 9, lines 14-33. Support for claim 29 can be seen in FIG. 3 (conventional telephone 20) and the corresponding description. Support for claim 30 can be seen in FIG. 3 (voice packetizing CPE) and the corresponding description. It is respectfully submitted that claims 14-30 are allowable as claims dependent from amended claim 11, which is allowable as discussed above.

Support for claim 31 can be found in the original claim 11, and in FIG. 3 and the associated description, and in the specification at page 6, line 26 through page 10, line 3. Support for claims 32-33 can be found in FIG. 3 (note PSTN 12 and MSDN 32) and the related description. Support for claims 34-37 can be found in the specification at page 7, lines 5-25. Support for claims 38-39 can be found in FIG. 3 (note analog phone 20 and DSL CPE 82). Support for claim 40 can be found in FIG. 3 (note system interface 70, PSTN 12 and MSDN 32). Support for claim 41 can be found in FIG. 3 (note VoIP or VoATM 46). Support for claims 42-44 can be found in FIG. 3 (note broadband analog front end 72 communicating with DSL CPE 82, analog phone 20, and phone through POTS splitter 84). Support for claim 45 can be found in the specification at page 3, line 19. Support for claim 46 can be found in the specification at page 9, line 14 through page 10, line 3. Support for claim 47 can be found in FIG. 3 (note DSL modem 35). Support for claim 48 can be found in FIG. 3 (note merge control 74 sending control signals to control outputs to various types of subscribers). Support for claims 49-50 can be found in FIG. 3 (note conventional phone 20 and packetizing CPE). It is respectfully submitted that claim 31 is allowable for the same reasons as discussed above regarding the packetizer in claims 1 and 11, and regarding the combination of the packetizer and the broadband front end as discussed above in claim 1. Furthermore, claim 31 sets forth that the merge controller controls the connection to first and second types of telecommunications networks. It is respectfully

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submitted that claims 32-50 are allowable as claims dependent from amended claim 31, which is allowable as discussed above.

Claims 51-62 generally correspond to claims 31-50 with the modem elements separated into claim 52. It is respectfully submitted that claim 51 is allowable for the same reasons as discussed above regarding the packetizer in claims 1 and 11. Furthermore, claim 51 sets forth that the merge controller controls the connection to first and second types of telecommunications networks. It is respectfully submitted that claims 52-62 are allowable as claims dependent from amended claim 51, which is allowable as discussed above.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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